

REMARKS

Claims 1-23 are pending.

Claims 24 and 25 have been added.

In the Office Action dated May 14, 2009, claim 22 was rejected under 35 U.S.C. § 101; claims 1-23 was rejected under 35 U.S.C. § 103(a) as unpatentable over J. Wendt (Data Integrity PowerPoint Presentation entitled "iSCSI-R Data Integrity," slides 1-36, Version 1d, October 4, 2002) in view of Satran (Internet Draft entitled "iSCSI," September 5, 2002).

Independent claim 22 has been amended to recite a processor, and as amended, it is believed that the § 101 rejection of claim 22 has been addressed. Withdrawal of the § 101 rejection is respectfully requested.

It is respectfully submitted that the obviousness rejection of independent claim 1 over Wendt and Satran is defective.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Here, even if Wendt and Satran could be hypothetically combined, the hypothetical combination of these references would not have disclosed or hinted at the subject matter of claim

1. The Office Action conceded that Wendt fails to disclose the following elements of claim 1:

- determine whether the request for the data transfer contains a request for acknowledgement of completion of the data transfer;
- if the request for data transfer does contain a request for acknowledgement of the completion of the data transfer, set a variable in memory to wait for an event corresponding to the completion of the request for data transfer and send an acknowledgement to the first protocol layer upon the occurrence of the event.

However, the Office Action cited Satran as purportedly disclosing the claimed feature missing from Wendt. Specifically, the Office Action cited §§ 2.2.1 and 9.7.2 of Satran. Section 2.2.1 of Satran notes that a layering model can include an SCSI layer and an iSCSI layer.

Section 9.7.2 of Satran explains that an SCSI Data-in PDU for a read operation can have a format that includes an acknowledge bit. As explained in § 2.5.1.5 of Satran on page 51, the SCSI Data-in PDU is used for carrying SCSI data payload between an initiator and a target.

Providing an acknowledgement in an SCSI Data-in PDU, as taught by Satran, has nothing to do with determining whether a **request** for data transfer (**initiated** by a first protocol layer) contains a request for acknowledgement of completion of the data transfer. As specifically taught by Satran in § 9.7.2, a **target** sets the acknowledge bit of the SCSI Data-in PDU to a value “1” to indicate that the target requests a positive acknowledgement from the initiator for data received. A target of a data transfer operation setting an acknowledgement in a data payload PDU (Data-in PDU) is completely different from a first protocol layer initiating a request for a data transfer, where such request for data transfer contains a request for acknowledgement of completion of data transfer, as recited in claim 1.

Therefore, even if Wendt and Satran could be hypothetically combined, the hypothetical combination of the references would not have led to the subject matter of claim 1.

Moreover, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Wendt and Satran to achieve the claimed subject matter. Wendt discloses various PowerPoint slides relating to iSCSI-R data integrity, with slide 3 showing various layers that can be present in an initiator, a storage gateway, and a target. However, Wendt provides absolutely no hint whatsoever of including an acknowledgement of completion of data transfer for a request that is initiated by a first protocol layer, as recited in claim 1. Satran similarly provides no hint of providing such a request for acknowledgement and a request for data transfer initiated by a first protocol layer, as Satran merely discloses that a target can set an acknowledgement in a data payload PDU to request that an initiator acknowledge data received.

These teachings of Wendt and Satran are completely different from the subject matter of claim 1, and thus, a person of ordinary skill in the art would not have been prompted to combine the teachings of Wendt and Satran to achieve the claimed subject matter.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 1 over Wendt and Satran is clearly defective.

Independent claims 8, 16, 22, and 23 are similarly allowable over Wendt and Satran. Dependent claims, including newly added claims 24 and 25, are similarly allowable over Wendt and Satran.

Allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200501394-1).

Respectfully submitted,

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